

# COPY

Express Mail Label  
No. EH961642351US

## DECLARATION, POWER OF ATTORNEY, AND PETITION

As one of the below-named joint inventors, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name;

I believe I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled Percutaneous Bypass Graft and Securing System, the specification of which is attached hereto;

I state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein;

I acknowledge the duty to disclose information material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a), including any public use, sale, or offer for sale of the disclosed invention occurring more than one year prior to the filing date of this application.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed and have identified any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

### **PRIOR FOREIGN APPLICATION(S)**

Priority Claimed

<u>N/A</u> (Number)	<u>                  </u> (Country)	<u>                  </u> (Day/month/year filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
------------------------	----------------------------------------	-----------------------------------------------------	------------------------------	-----------------------------

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

N/A

(Application Serial No.)

(Filing date)

(Status - patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint, jointly and severally, Frederick W. Niebuhr, Registration No. 27,717, Philip G. Alden, Registration No. 32,189, John F. Klos, Registration No. 37,162, and LARKIN, HOFFMAN, DALY & LINDGREN, LTD., 1500 Norwest Center, 7900 Xerxes Avenue South, Bloomington, Minnesota 55431-3333, my attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith and the general power of attorney to file and prosecute any foreign or International (PCT) application claiming the benefit of priority of this application, or any continuation, continuation-in-part, divisional, reexamination, or reissue thereof.

Please direct all communications to:

Frederick W. Niebuhr, Registration No. 27,717  
Larkin, Hoffman, Daly & Lindgren, Ltd.  
1500 Norwest Center  
7900 Xerxes Avenue South  
Bloomington, Minnesota 55431-3333  
(612) 896-1574

Wherefore, I pray that Letters Patent be granted to us for the invention of discovery described and claimed in the above-referenced specification and claims, and I hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

Full name of first inventor: Russell A. Houser

Inventor's signature: 

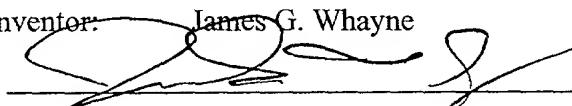
Date: 11/2/97

Residence (City/State): Livermore, California

Mailing Address: 1787 Verdite Street, Livermore, California 94550

Citizenship: USA

Full name of second inventor: James G. Whayne

Inventor's signature: 

Date: 11/2/97

Residence (City/State): Saratoga, California

Mailing Address: 17930 Los Felice Drive, Saratoga, California 95070

Citizenship: USA

*SIDNEY*

Full name of third inventor: Sid D. Fleischman

Inventor's signature: 

Date: 11/02/97

Residence (City/State): Menlo Park, California

Mailing Address: 855 Woodland Avenue, Menlo Park, California 94025

Citizenship: USA

Full name of fourth inventor:

Inventor's signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence (City/State):

Mailing Address:

Citizenship:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Express Mail Label No.: EL676223582US

Date of Deposit: July 10, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Cindy Hoang

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Russell A. Houser et al.

Serial No.: To Be Assigned

Filing Date: Herewith

For: PERCUTANEOUS BYPASS GRAFT  
AND SECURING SYSTEM

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

**ASSOCIATE POWER OF ATTORNEY**

BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Please recognize the following attorney in the above-referenced matter:

Johny U. Han (Reg. No. 45,565)

whose address is Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018, as our associate in the above-identified patent application to inspect the file, to prepare and file amendments, to inspect and make copies thereof and of any papers in any appellate or *inter partes* proceedings in which the application may be or become involved, and generally to conduct all business in the United States Patent and Trademark Office relating to the prosecution of the application or any application that claims priority from this application provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, such attorney's or agent's appointment as attorney or

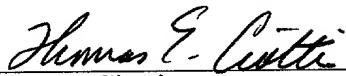
agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

Please direct all communications to:

Johnney U. Han  
Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018

Respectfully submitted,

Dated: July 10, 2001



Thomas E. Ciotti  
Registration No. 21,013

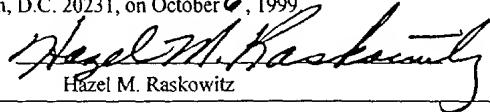
Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5739  
Facsimile: (650) 494-0792

# COPY

PATENT  
Docket No. 441742000100

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231, on October 6, 1999.

  
Hazel M. Raskowitz

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Russell A. HOUSER et al.

Serial No.: 08/966,003

Filing Date: November 7, 1997

For: PERCUTANEOUS BYPASS GRAFT  
AND SECURING SYSTEM

Examiner: U. Ho

Group Art Unit: 3731

**REVOCATION OF PRIOR POWER OF ATTORNEY AND  
POWER OF ATTORNEY AND PROSECUTION BY ASSIGNEE  
UNDER 37 C.F.R. § 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Advanced Bypass Technologies, Inc., the assignee of the entire right, title and interest in this patent application, hereby revokes all Powers of Attorney previously granted relating to this application and appoints as its attorneys or agents, with full power of substitution, association, and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected herewith:

Sanjay Bagade (Reg No. 42,280)  
Richard R. Batt (Reg No. 43,485)  
Sean Brennan (Reg No. 39,917)  
Nicholas Buffinger (Reg No. 39,124)  
Alan W. Cannon (Reg No. 34,977)  
Robert K. Cerpa (Reg No. 39,933)  
Thomas E. Ciotti (Reg No. 21,013)  
Matthew M. D'Amore (Reg No. 42,457)  
Stephen C. Durant (Reg No. 31,506)  
Hector Gallegos (Reg No. 40,614)

Erwin J. Basinski (Reg No. 34,773)  
Frank P. Becking (Reg No. 42,309)  
Barry E. Bretschneider (Reg No. 28,055)  
Jingming Cai (Reg No. P-44,579)  
Mark R. Carter (Reg No. 39,131)  
Thomas Chuang (Reg No. P-44,616)  
Steven X. Cui (Reg No. P-44,637)  
Raj S. Davé (Reg No. 42,465)  
Carolyn A. Favorito (Reg No. 39,183)  
Franklin Y. Han (Reg No. 41,055)

Douglas Hodder (Reg No. 41,840)  
Peter Hsieh (Reg No. P-44,780)  
Richard D. Jordan (Reg No. 33,519)  
Phanesh B. Koneru (Reg No. 40,053)  
Susan K. Lehnhardt (Reg No. 33,943)  
David C. Liu (Reg No. P-43,755)  
David C. Lundmark (Reg No. 42,815)  
Michael J. Mauriel (Reg No. 44,226)  
Gladys H. Monroy (Reg No. 32,430)  
Catherine M. Polizzi (Reg No. 40,130)  
Paul J. Riley (Reg No. 38,596)  
Debra A. Shetka (Reg No. 33,309)  
Suzannah K. Sundby (Reg No. 43,172)  
Thomas G. Wiseman (Reg No. 35,046)  
Frank Wu (Reg No. 41,386)

Charles D. Holland (Reg No. 35,196)  
Madeline I. Johnston (Reg No. 36,174)  
Ararat Kapouytian (Reg No. 40,044)  
Kawai Lau (Reg No. 44,461)  
Richard H. Lilley (Reg No. 42,803)  
Wen Liu (Reg No. 32,822)  
Harry J. Macey (Reg No. 32,818)  
Thomas D. Mays (Reg No. 34,524)  
Kate H. Murashige (Reg No. 29,959)  
William C. Revelos (Reg No. 42,101)  
Robert Saltzberg (Reg No. 36,910)  
Kevin R. Spivak (Reg No. 43,148)  
E. Thomas Wheelock (Reg No. 28,825)  
Karen K. Wong (Reg No. 44,409)

all of Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018, telephone: (650) 813-5600, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

Please direct all communications relative to this application to:

William C. Revelos  
Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018

Please direct all telephone communications to William C. Revelos at (650) 813-5846.

Advanced Bypass Technologies, Inc.  
a Delaware corporation

Dated: 4 Oct '99



Name: Russell A. Houser  
Title: Chief Technical Officer  
Address: 7026 Koll Center Parkway  
Pleasanton, CA 94550